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3 District of Nevada  
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9 **UNITED STATES DISTRICT COURT**  
10 **FOR THE DISTRICT OF NEVADA**

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 YARO ORTIZ,

15 Defendant.

16 Case No. 2:20-mj-00859-EJY

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**Stipulation to Continue the Preliminary  
Examination Date and Exclude Time Under  
the Speedy Trial Act  
(Second Request)**

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24 IT IS HEREBY STIPULATED AND AGREED by and between, Nicholas A.  
Trutanich, United States Attorney, District of Nevada, Christopher Lin, Assistant United States  
Attorney, representing the United States of America, and David Chesnoff, Esq. and Richard  
Schonfeld, Esq., representing Defendant Yaro Ortiz, that the Preliminary Examination date in  
the above captioned case, which is currently scheduled for November 19, 2020 at 4:00 P.M., be  
continued to a date and time convenient for the Court but not less than 30 days from the current  
setting. The parties also stipulate to an extension of (1) the 30-day period under 18 U.S.C. §  
3161(b) in which an indictment or information must be returned, and (2) the 90-day period  
under 18 U.S.C. § 3164(b) for commencing trial for a detained defendant. These extensions are  
in addition to the previously agreed upon extensions in *Dkt 8*.

1. Based on the public health emergency brought about by the COVID-2019 pandemic, the  
2 required social-distancing measures as recognized in the Temporary General Orders, and  
3 the need for additional time to prepare the defense, both during the public health  
4 emergency and once the public health emergency is resolved, the parties agree to  
5 continue the currently scheduled Preliminary Examination on November 19, 2020, to a  
6 date and time convenient for the Court, but not less than 30 days from the current  
7 settings.
8. This continuance is not sought for purposes of delay, but to account for the necessary  
9 social-distancing in light of the COVID-2019 public health emergency, and to allow the  
10 defense adequate time to prepare during the public health emergency and following its  
11 resolution.
12. Denial of this request could result in a miscarriage of justice, and the ends of justice  
13 served by granting this request outweigh the best interests of the public and the defendant  
14 in a speedy trial.
15. The defendant is at liberty and does not object to the continuance.
16. This is the parties' second request to continue the Preliminary Examination date.

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1       6. The additional time requested by this stipulation is excludable in computing the time  
2       within which the trial must commence pursuant to the Speedy Trial Act, Title 18, United  
3       States Code, Sections 3161(h)(7)(A), and considering the factors under Title 18, United  
4       States Code, Section 3161(h)(7)(B)(i) and (iv).

5       DATED this 12<sup>th</sup> day of November, 2020.

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7 NICHOLAS A. TRUTANICH  
United States Attorney

8       /s/ Christopher Lin  
9       CHRSTIOPHER LIN  
10      Assistant United States Attorney

8       /s/ Richard Schonfeld  
9       RICHARD SCHONFELD, ESQ.  
10      DAVID CHESNOFF, ESQ.  
11      Counsel for Defendant

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

Based on the pending Stipulation between the defense and the government, and good cause appearing therefore, the Court hereby finds that:

1. To account for the necessary social-distancing in light of the COVID-2019 public health emergency and to allow the defense adequate time to prepare during and following the resolution of this public health emergency, the Preliminary Examination date in this case should be continued.
  2. The parties agree to this continuance.
  3. The defendant is at liberty and does not object to the continuance.
  4. This continuance is not sought for purposes of delay.
  5. Denial of this request could result in a miscarriage of justice, and the ends of justice served by granting this request outweigh the best interest of the public and the defendants in a speedy trial.
  6. The Speedy Trial Act's indictment clock under 18 U.S.C. § 3161(b) is extended to the Preliminary Hearing date set below.
  7. The additional time requested by this stipulation is excludable in computing the time within which the trial must commence pursuant to the Speedy Trial Act, Title 18, United

1 States Code, Sections 3161(h)(7)(A), and considering the factors under Title 18, United  
2 States Code, Section 3161(h)(7)(B)(i) and (iv).

3 THEREFORE, IT IS HEREBY ORDERED that the Preliminary Examination in the  
4 above-captioned matter currently scheduled for November 19, 2020 be vacated and continued  
5 to December 21, 2020, at the hour of 4:00 P.M., in Courtroom 3B.

6 DATED this 13th day of November, 2020.  
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9 HONORABLE LAYNA J. YOUCRAH  
United States Magistrate Judge  
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